

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA

v.

FLORENTINO RUIDIAZ, JR.,

Defendant

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CRIMINAL NO. 05-10214-MLW

JOINT STATUS MEMORANDUM RE: FINAL STATUS CONFERENCE

Pursuant to the Court's Order dated December 15, 2005, the United States of America and Defendant, Florentino Ruidiaz, Jr., by their undersigned counsel, respectfully submit the following status report regarding the above-captioned matter:

A. Local Rule 116.5(C)(1)

Whether there are outstanding discovery issues not yet presented or resolved by the Court

At this time, the parties are unaware of any outstanding discovery issues requiring resolution. Defense counsel has not yet had an opportunity to meet with his client to review the discovery that has been made available and therefore requests an additional thirty days to do so prior to setting a final status conference.

B. Local Rule 116.5(C)(2)

Whether a party anticipates providing additional discovery as a result of its future receipt of information, documents, or reports of examinations or tests

The Government has made discovery available to defendant and is unaware of any discovery in its possession remaining to be produced with the exception of that required by Local Rule 116.2(B)(2) (21-day discovery). No expert discovery has been requested at this time. Defendant reserves the right to request discovery concerning expert witnesses under Fed. R.

Crim. P. 16(a) if it is determined that a trial or any other hearing will be necessary where the United States will present expert witnesses. If expert discovery is requested, the United States reserves the right to request reciprocal discovery. Both the United States and Defendant understand that they have an ongoing and continuing duty to produce discovery.

C. Local Rule 116.5(C)(3)

Whether the defendant intends to raise a defense of insanity or public authority

The defendant has no intention of raising such a defense in this matter.

D. Local Rule 116.5(C)(4)

Whether the government has requested notice of alibi by the defendant and, if so, whether the defendant has timely responded

The Government has requested notice of alibi. The defendant has advised the Government that defendant will not be raising an alibi defense in this matter.

E. Local Rule 116.5(C)(5)

Whether the defendant has filed, or intends to file, any motion to sever, dismiss, or suppress, or any other motion requiring a ruling by the District Court before trial

Defendant reserves the right to file one or more motions requiring a ruling by the District Court before trial.

F. Local Rule 116.5(C)(6)

Whether a schedule should be set concerning any matter in the case other than trial.

The parties request that a schedule be set for filing motions.

G. Local Rule 116.5(C)(7)

Whether the parties have discussed the possibility of any early resolution of the case without trial and, if so, the results of that discussion

Defense counsel has not yet had an opportunity to meet with his client. As a result, the parties agree that it remains too early to determine whether a trial will be necessary.

H. Local Rule 116.(C)(8)

Whether there are periods of excludable delay under the Speedy Trial Act as to which the parties agree, and what they are, and whether there are any disagreements, and what they are, to enable the Magistrate Judge to rule on periods of excludable delay at the Final Status Conference

In its December 15, 2005, Order on Excludable Delay, the Court held that, as of December 15, 2005, there will have been 15 days of non-excludable delay under the Speedy Trial Act (October 24, 2005 - November 7, 2005), and that 55 days will remain under the Speedy Trial Act in which this case must be tried. The parties agree with this calculation.

I. Local Rule 116.5(C)(9)

The estimated length of trial

If a trial is necessary, the United States estimates that it would last approximately two days.

Respectfully submitted,

FLORENTINO RUIDIAZ, JR.

MICHAEL J. SULLIVAN
United States Attorney

By his attorney,

By: /s/ James E. Arnold
James E. Arnold
Assistant U.S. Attorney
One Courthouse Way
Suite 9200
Boston, MA 02210
(617) 748-3603

/s/ Melvin Norris
Melvin Norris, Esq.
260 Boston Post Road
Wayland, MA 01778
(508) 358-3305

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